

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated February 18, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-18 and 21-22 are pending in this application.

In the Office action, the disclosure is objected to since portions of the specification are illegible. In response, it is respectfully requested that the specification be deleted in its entirety and substitute therefore the enclosed substitute specification. It is respectfully submitted that the substitute specification is legible. Accordingly, it is respectfully requested that the objection to the specification be withdrawn.

In the Office Action, claims 1-7 and 9-18 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,614,906 to Hayes ("Hayes") in view of U.S. Patent No. 6,133,909 to Schein ("Schein"). Claim 8 is rejected under 35 U.S.C. §103(a) over Hayes in view of Schein in further view of U.S. Patent Publication No. 2001/0017615 to Lin ("Lin"). Claims 21-22 are rejected under 35 U.S.C. §103(a) over Hayes in view of Schein in further view of U.S. Patent No. 5,457,478 to Frank ("Frank"). The rejection of claims 1-18 and 21-22 is respectfully traversed. It is respectfully submitted that claims 1-18 and 21-22 are allowable over Hayes in view of Schein alone and in view of any combination of Lin and Frank for at least the following reasons.

While it is true that Hayes provides "[a] method for selecting a command set from a group of command sets stored in the remote control", however, Hayes, like other prior system, merely provides that (emphasis added) "the remote control setting the remote control to transmit future

commands from the command set." (See, Hayes, abstract.) In other words, like other prior systems, Hayes merely provides for selecting one of the available command sets to control a device.

Hayes is clear that (emphasis added) "[t]he user then terminates the selection procedure with the remote control setting the active command set to the command set from which the successful effects observable command was assigned." (See, Hayes, Col. 2, lines 49-53.) While Hayes provides for different modes such as "a TV, a VCR, a Cable Box, as well as device ...", (see, Hayes, Col. 4, lines 54-55), Hayes is clear that (emphasis added) "[i]f a mode key 18 is pressed the remote control 10 sets the current command set from which commands will be transmitted to the command set chosen for the selected mode." (See, Hayes, Col. 4, lines 50-53 cited in the Office Action.) In Hayes, "[i]f a command key is pressed, the remote control 10 transmits the particular operating command associated with the pressed command key from the currently selected command set." (See, Hayes, Col. 4, lines 58-61 cited in the Office Action.) Accordingly, while Hayes provides "a method for selecting a compatible command set from a library of multiple command sets can be realized" Hayes is clear that (emphasis added) "different command sets can be selected for each of the different device modes by selecting the mode key 18 corresponding to the desired mode prior to entering the setup procedure." (See, Hayes, Col. 6, lines 59-64 cited in the Office Action.) Accordingly, Hayes is clear that a different command sets are only applied to different modes and are not utilized for controlling a single device type.

It is respectfully submitted that the device of claim 1 is not anticipated or made obvious by the teachings of Hayes in view of Schein. For example, Hayes in view of Schein does not disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis added)

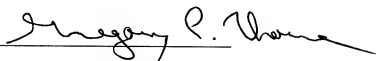
"wherein the remote control device is arranged for enabling combination from a plurality of preset code sets provided for a given device type into a single user code set for controlling the device to be controlled that corresponds to the device type" as recited in claim 1, and as similarly recited in each of claims 10 and 16. In Hayes, each of the plurality of code sets apply to different appliances and are not different code sets that are combined to control a given device type as recited in the claims. Each of Schein, Lin and Frank are introduced for allegedly showing other elements of the claims and as such, does nothing to cure the deficiencies in Hayes.

Based on the foregoing, the Applicant respectfully submits that independent claims 1, 10 and 16 are patentable over Hayes in view of Schein and notice to this effect is earnestly solicited. Claims 2-9, 11-15, 17-18 and 21-22 respectively depend from one of claims 1, 10 and 16 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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Enclosure: Substitute Specification

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